

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**
Philadelphia Division

IN RE:
JUAN CLAUDIO AND MARIA CRISTINA
QUINONES

Case No. 23-11033-pmm

Chapter 13

CrossCountry Mortgage, LLC,
Movant

vs.

JUAN CLAUDIO AND MARIA CRISTINA
QUINONES,
Debtors

**OBJECTION TO CONFIRMATION
OF DEBTORS' CHAPTER 13 PLAN**

CrossCountry Mortgage, LLC ("Movant"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtors' Chapter 13 Plan* (Doc 2), and states as follows:

1. The Debtors filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on April 10, 2023.

2. Movant holds a security interest in the Debtors' real property located at 4771 Worth St, Philadelphia, PA 19124 (the "Property"), by virtue of a Mortgage which is recorded as instrument Number 53867064 in Official Records of Philadelphia County, Pennsylvania. Said Mortgage secures a Note in the amount of \$166,920.00.

3. The Debtors filed a Chapter 13 Plan (the "Plan") on April 10, 2023 (Doc 2).

4. The Plan includes payments toward the Note and Mortgage with Movant, however the figures used by the Debtors are inaccurate. Although Movant has not yet filed its

proof of claim, it is anticipated that the claim will show the pre-petition arrearage due Movant is \$1,446.99, whereas the Plan proposes to pay only \$0.00. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Movant objects to any plan which proposes to pay it anything less than \$1,446.99 as the pre-petition arrearage over the life of the plan.

5. Movant objects to Debtor's proposed Chapter 13 Plan as Part 4(a) that Movant will not receive any distribution from the Chapter 13 Trustee on its proof of claim.

6. Although Movant has not yet filed its proof of claim, it is anticipated that the claim will show the pre-petition arrearage due to Movant is \$1,446.99. Therefore, the Movant objects to Debtor's proposed Chapter 13 Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed.

7. Movant objects to any plan which proposes to pay it anything less than \$1,446.99 as the pre-petition arrearage over the life of the plan.

WHEREFORE, Movant respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Movant as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Andrew Spivack

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Matt Fissel, PA Bar No. 314567

Mario Hanyon, PA Bar No. 203993

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CrossCountry Mortgage, LLC, Movant	Chapter 13
vs.	
JUAN CLAUDIO AND MARIA CRISTINA QUINONES, Debtors	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing OBJECTION TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN has been electronically served or mailed, postage prepaid on this day to the following:

Via Electronic Notice:

BRAD J. SADEK, Debtor's Attorney
1500 JFK Boulevard
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brad@sadeklaw.com

KENNETH E WEST, Bankruptcy Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107

Office of United States Trustee, US Trustee
Robert N.C. Nix Federal Building
900 Market Street, Suite 320
Philadelphia, PA 19107

Via First Class Mail:

JUAN CLAUDIO
501 WELSH ROAD
PHILADELPHIA, PA 19115

MARIA CRISTINA QUINONES
501 WELSH ROAD
PHILADELPHIA, PA 19115

Date: June 8, 2023

/s/Andrew Spivack

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